

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN R. JORDAN,

Plaintiff,

No. CIV S-03-1820 LKK KJM P

vs.

CAL A. TERHUNE, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 14, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 14, 2007, are adopted in full; and

2. Defendant Rohlfig's motion to dismiss is denied.

3. Defendants Kaptur and McGuire's motion to dismiss for failure to exhaust administrative remedies is granted as to the allegations contained in paragraphs 64, 66 and 68 of the amended complaint.

4. Defendants Eder and McCraw's motion to dismiss for failure to state a claim is granted as to the allegations contained in paragraph 59 of the amended complaint.


5. Defendants Eder and Cobb's motion to dismiss for failure to state a claim is granted as to the allegations contained in paragraphs 21 through 28 of the amended complaint.

6. Defendant Wright's motion to dismiss for failure to state a claim is granted as to the allegations contained in paragraph 72 of the amended complaint.

7. Defendants Armoskus and Felker's motion to dismiss is granted insofar as they are alleged to have acted in paragraphs 74 and 81.

8. Defendants' motion to dismiss filed July 26, 2006 is denied in all other respects.

DATED: March 29, 2007.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT